

GILLESPIE v. STATE OF OKLAHOMA.

ERROR TO THE SUPREME COURT OF THE STATE OF OKLAHOMA.

No. 322. Argued January 3, 1922.—Decided January 30, 1922.

1. The net income derived by a lessee from sales of his share of oil and gas received under leases of restricted Creek and Osage lands, which constitute him in effect an instrumentality used by the United States in fulfilling its duties to the Indians, can not be taxed by a State. P. 504. *Choctaw, Oklahoma & Gulf R. R. Co. v. Harrison*, 235 U. S. 292; *Indian Territory Illuminating Oil Co. v. Oklahoma*, 240 U. S. 522.
 2. Distinction made between this case and taxing net income derived from interstate commerce. P. 504.
- 81 Okla. 103, reversed.

ERROR to a judgment of the Supreme Court of Oklahoma upholding income taxes assessed against the appellant. The judgment was in a proceeding initiated by his appeal to a court of first instance from the action of the State Auditor.

Mr. James P. Gilmore for plaintiff in error.